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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,630	06/10/2005	Johannes Hendrikus Maria Spruit	NL021421	8926

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BRIARCLIFF MANOR, NY 10510

EXAMINER

AGUSTIN, PETER VINCENT

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

04/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/538,630

Applicant(s)

SPRUIT ET AL.

Examiner

Peter Agustín

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

1. This application is a national stage entry of PCT/IB03/05276, filed November 18, 2003.
2. Claims 1-6 are currently pending.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites a recording device capable of carrying out the method according to claim

5. However, claim 6 does not recite the structural components of the claimed recording device which are necessary to perform the steps of claim 5, rendering the claim incomplete.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Kobayashi (US 7,088,667).

In regard to claim 1, Kobayashi discloses an optical record carrier (Figure 9, disc 100) capable for recording information thereon by irradiating the record carrier by a pulsed radiation beam (from laser diode LD), said record carrier comprising an area (Figure 3, disc information 19) containing control information (RVI information/WSI information 20) indicative of a recording process by which the information can be recorded on said record carrier, the control information comprising values of recording parameters (see recording velocity information in Figure 4 and write strategy information in Figure 5) for the recording process, characterized in that the control information comprises a first set of recording parameters (RVI codes 00h-03h in Figure 4 and the corresponding WSI in Figure 5) for the recording process at a first range of recording speeds (1X-4X), and a second set of recording parameters (RVI codes 02h-05h in Figure 4 and the corresponding WSI in Figure 5) for the recording process at a second range of recording speeds (3X-6X).

In regard to claim 2, Kobayashi discloses that the first range of recording speeds (1X-4X, as noted above) partially overlaps the second range of recording speeds (3X-6X, as noted above).

In regard to claim 3, Kobayashi discloses that at least part of the recording parameters define the sequence of pulses of the pulsed radiation beam (note that WSI stands for “write strategy information”, i.e., information regarding the sequence of pulses).

In regard to claim 4, Kobayashi discloses that a recording parameter is indicative of a write strategy (note that WSI stands for “write strategy information”), and wherein said recording parameters has a first value (RVI codes 00h-03h in Figure 4) in the first set of

recording parameters indicative of a first write strategy (write strategy types 00-03 in Figure 5) and a second value (RVI codes 02h-05h in Figure 4) in the second set of recording parameters indicative of a second write strategy (write strategy types 02-05 in Figure 5).

Claim 5 has limitations similar to those of claim 1; thus, it is rejected on the same ground.

In regard to claim 6, Kobayashi discloses a recording device (Figure 9) for recording information in an information layer of a record carrier (disc 100) by irradiating the information layer by a pulsed radiation beam (from laser diode LD), capable of carrying out the method according to claim 5 (as noted above).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Miyake et al. (US 6,580,684), Tasaka et al. (US 7,068,579), and Ueki (US 7,102,970) are all pertinent to applicant's disclosure of an optical disc having recorded thereon different write strategy information for different recording velocities.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Agustin whose telephone number is 571-272-7567. The examiner can normally be reached on Monday-Thursday 8:30 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter Vincent Agustin/
Patent Examiner
Art Unit 2627